

DOCKET FILE COPY ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED

AUG 19 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Administration of the ) CC Docket No. 92-237  
North American Numbering Plan )  
Carrier Identification Codes (CICs) )

COMMENTS

BellSouth Corporation,<sup>1</sup> by counsel, files its comments in response to the Common Carrier Bureau's Public Notice arising out of the Petition for Emergency Stay filed by MCI Telecommunications Corporation on August 12, 1998.<sup>2</sup>

INTRODUCTION

MCI asks the Bureau to direct the Bell Atlantic telephone companies to immediately halt their CIC transition "while taking no more than ten days to analyze the other LEC responses to the Bureau's recent data inquiries to determine if similar action is needed in each ILEC major territory," to direct all LECs to provide appropriate intercept announcements, without excessive ringing, for access code calls placed with 3-digit CICs, and to stay the September 1, 1998 deadline for blocking of 3-digit CICs.<sup>3</sup> Because BellSouth will complete blocking of all three-digit CICs no later than September 1, 1998, and because there has been no documented instance of excessive ringing associated with MCI's three-digit CICs, the Commission should deny MCI's Petition, at least to the extent that it may relate to BellSouth.

---

<sup>1</sup> BellSouth Corporation is a publicly traded Georgia corporation that holds the stock of BellSouth Telecommunications, Inc. (BST). BST offers local telephone service in parts of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

<sup>2</sup> *Commission Seeks Comment on Request for Commission Action Filed by MCI Telecommunications Corporation Concerning Carrier Identification Codes*, Public Notice, DA 98-1638 (August 14, 1998).

<sup>3</sup> MCI Petition at 8-9.

No. of Copies rec'd  
LRAB CODE

0410

**I. THERE IS NO EXCESSIVE RINGING PROBLEM IN THE STATES IN WHICH BELLSOUTH OFFERS LOCAL TELEPHONE SERVICE**

The Commission should deny MCI's first and second requests for relief.<sup>4</sup> The gravamen of MCI's petition is as follows:

MCI has discovered that when dialing a 5-digit Carrier Access Code ("CAC") from an end office already converted to 4-digit CICs (*i.e.*, no longer accepts 3-digit CIC dialing), many end users do not immediately receive the appropriate "intercept" announcements, but instead are routed by the LECs to a delayed announcement after a prolonged period of ringing (averaging between 15-100 seconds or 3-20 rings) without call completion.<sup>5</sup>

MCI states that it initiated nationwide field test calls of LEC implementation of 4-digit CIC codes on July 1, 1998; that calls are placed at least once daily to an MCI test number using the 3-digit CIC/5-digit CAC "10-321" as well as the 4-digit/7-digit CAC "10-10-321;" and that such test calls will continue until the transition to 4-digit CICs is complete.<sup>6</sup> MCI further states that the data represented in its Petition are a compilation of recorded test results.<sup>7</sup>

MCI does not provide any "excessive ringing" data for BellSouth. Despite MCI's daily testing, records maintained by the BellSouth-MCI Access Customer Advocacy Center (ACAC) indicate that there have been no "excessive ringing" trouble reports filed by MCI. In addition to the trouble report database, BellSouth has reviewed e-mails

---

<sup>4</sup> As stated in its Petition, MCI requests that the Bureau direct Bell Atlantic to immediately halt its CIC transition "while taking no more than ten days to analyze the other LEC responses to the Bureau's recent data inquiries *to determine if similar action is needed in each ILEC major territory.*" Additionally, MCI requests that the Bureau direct *all LECs* to provide appropriate intercept announcements, *without excessive ringing*, for access code calls placed with 3-digit CICs. MCI Petition at 8 (emphasis added).

<sup>5</sup> *Id.* at 1 and n.2.

<sup>6</sup> *Id.* at 2 and n.3.

<sup>7</sup> *Id.* at n.3.

between MCI and BellSouth maintained by the ACAC and has found no documentation of any kind to support an excessive ringing problem. BellSouth is unaware of any other carrier complaint regarding "excessive ringing."<sup>8</sup> The Commission should therefore deny MCI's first request and second requests for relief, at least to the extent they may relate to BellSouth.

## II. MCI IS NOT ENTITLED TO A STAY

MCI's third request for relief, a general stay, should be denied.<sup>9</sup> MCI states that "LECs are not presently complying with the Commission's *Declaratory Ruling*, and therefore MCI is likely to prevail on the merits."<sup>10</sup> Indeed, MCI alleges "the complete LEC industry disregard for the Commission's 4-digit CIC implementation deadline" as the basis for its claim that it is likely to prevail.<sup>11</sup> This allegation is wrong. MCI's own data shows that LECs are phasing in 3-digit blocking as contemplated by the two month waiver which was specifically granted by the Commission, on its own motion, in order to allow phased blocking after a consideration of the record indicated that such a waiver was in the public interest. The pace of the phase-in during the two-month waiver period does not demonstrate non-compliance with the *CICs Declaratory Order*. MCI has not shown, but has merely speculated, that LECs will not be in compliance with the 3-digit blocking requirement on September 1, the expiration of the current waiver. On

---

<sup>8</sup> MCI alleges that "many LECs are routinely violating the Commission's determinations with regard to intercept announcements" because calls made with 3-digits CICs "first ring as many as three to twenty times before being intercepted to an announcement." MCI Petition at 4. MCI, however, cites to no relevant Commission "determination." Indeed, there is no standard established in any of the Commission's CIC orders relating to "excessive" rings.

<sup>9</sup> According to its Petition, MCI requests that the Bureau stay the September 1, 1998 deadline for blocking of 3-digit CICs by ordering *all LECs* to immediately halt CIC transition activity until the Bureau determines that dial around service integrity is maintained. MCI Petition at 8-9 (emphasis added).

<sup>10</sup> MCI Petition at 7. BellSouth refers to the Bureau's May 1, 1998 Declaratory Ruling (DA 98-828) as the *CICs Declaratory Order*.

<sup>11</sup> MCI Petition at 7.

August 14, 1998, BellSouth provided information to the Bureau about the status of the phase-out of three-digit CICs that showed that BellSouth is on schedule to have its switches activated to mandatory 4-digit CIC (100% 3-digit CIC blocking) by September 1, 1998. BellSouth remains on schedule.

MCI also cannot show irreparable harm. As shown above, MCI has provided no evidence to the Commission or to BellSouth that there is any problem with excessive ringing in connection with BellSouth's mandatory 4-digit CIC transition efforts. Because there is no such problem, there can be no harm, let alone irreparable harm. Even if there were an occasional delay that MCI considered exceptionally long, it is highly unlikely that such delays could amount to irreparable harm in light of the education efforts undertaken by MCI and other interexchange carriers (IXCs) pursuant to the Bureau's orders. The Bureau has already determined in the *CICs Declaratory Order* that "after June 30, 1998, most callers will cease dialing five-digit CACs because they will have been advised of the dialing pattern change."<sup>12</sup>

MCI itself has stated that its own "10-10-321" business enterprise, Telecom USA, "has undertaken an extremely expensive, nationwide consumer education campaign."<sup>13</sup> As a result of this, there should be a very small number of 3-digit CIC calls made, especially during the later stages of the waiver period. In any event, in light of the lack of any "excessive ringing" problem, MCI simply cannot show that it will be irreparably harmed by BellSouth's continued

---

<sup>12</sup> *CICs Declaratory Order*, 13 FCC Rcd at 8699. See also *id.* at 8700 (IXC education efforts should be based on assumption that only four-digit CICs and seven-digit CACs will be accepted by LECs' networks on July 1, 1998) and 8706-8707 (IXCs should not rely solely on an intercept message to educate their customers about the changes caused by the transition, rather, they are in general responsible for ensuring that their customers are informed and educated about the change in dialing patterns).

<sup>13</sup> MCI Petition at 5, 8.

conversion of its switches pursuant to the *CICs Declaratory Order*.

MCI asserts that “no other parties will be harmed if the stay is granted.”<sup>14</sup> The Commission, however, will need to consider the consequences of disrupting LEC resources at essentially the 11<sup>th</sup> hour, and weigh that against the benefits obtained. It makes no sense to pull personnel from translations work for the limited number of switches that remain to be converted, especially when there has not been a single documented problem with any of the switches that have been converted. Further, the Commission has already determined that it is in the public interest to end 3-digit CIC dialing and to transition to mandatory 4-digit CIC dialing in order to make additional CIC resources available to the industry. Additional CIC resources cannot be made available until mandatory 4-digit dialing is complete. The relief sought by MCI would delay the imminent conversion to nationwide 4-digit CIC dialing and consequently delay the availability of additional series of CICs.<sup>15</sup>

Finally, MCI states that “given the LEC industry’s disregard of the Commission’s Declaratory Ruling, the public interest plainly favors grant of the stay.”<sup>16</sup> Again, MCI is wrong. MCI has offered no credible evidence of LEC non-compliance with the *CICs Declaratory Order*. The Commission has already determined that it is in the public interest to end the use of 3-digit CICs as soon as possible in order to make available more of the CIC resource to more carriers. The Commission further determined that it was in the public interest to waive the July 1, 1998 3-digit blocking deadline for a limited two-month period to allow for an orderly phased blocking of 3-digit CICs. On the same day that MCI filed its Petition the Bureau, in its *Vitelco CICs Order*,

---

<sup>14</sup> *Id.* at 8.

<sup>15</sup> Although some carriers may possess all the CICs they currently need, due to the current moratorium on CIC assignments it is clearly in the interest of other carriers that additional CIC resources be made available sooner rather than later.

<sup>16</sup> MCI Petition at 8.

denied a request to waive the waiver of the Commission rule mandating that carriers begin blocking three-digit CICs on July 1, 1998, finding that the “Commission previously noted that the permissive dialing period should be ended ‘as soon as practicable’ in order to minimize the anticompetitive effects of dialing disparity, to allow the end of the CIC conservation plan as soon as possible, and to ensure that there are enough CICs in the 5XXX and 6XXX range for assignment during the remainder of the permissive dialing period.”<sup>17</sup> The relief sought by MCI would actually undermine these earlier determinations, which were supported by a full and complete record. MCI has failed to offer any reason why these earlier public interest determinations, so recently affirmed in the *Vitelco CICs Order*, should be reversed.

---

<sup>17</sup> *Virgin Islands Telephone Corporation Request for Extension of Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule*, Order, DA 98-1613, NSD File No. 98-86 (August 12, 1998) at ¶8 (*Vitelco CICs Order*) (citations omitted).

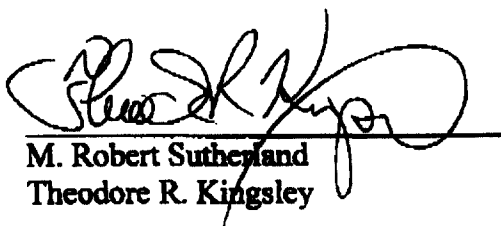
## CONCLUSION

BellSouth is on schedule to complete the implementation of 3-digit blocking prior to expiration of the current waiver. MCI has not identified an "excessive ringing" problem arising out of BellSouth's mandatory 4-digit CIC conversion efforts. On the basis of these facts, and of the arguments set forth above, MCI is not entitled to the relief sought in its Emergency Petition, at least to the extent it is sought against BellSouth.

Respectfully submitted,

BELLSOUTH CORPORATION

By its Attorneys:



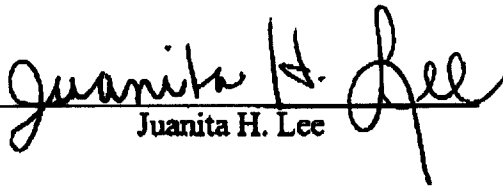
M. Robert Sutherland  
Theodore R. Kingsley

Suite 1700  
1155 Peachtree Street, N.E.  
Atlanta, GA 30309-3610  
(404) 249-3392

Date: August 19, 1998

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 19<sup>th</sup> day of August 1998 served the following parties to this action with a copy of the foregoing COMMENTS by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

  
\_\_\_\_\_  
Juanita H. Lee



**SERVICE LIST CC DOCKET NO. 92-237**

Mary De Luca  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, N. W.  
Washington, D. C. 20006

Glenn B. Manishin  
Christy C. Kunin  
MCI Telecommunications Corporation  
Blumenfeld & Cohen-Technology Law Group  
1615 M Street, N. W., Suite 700  
Washington, D. C. 20036

\*Kathryn Brown  
Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, Room 500  
Washington, D. C. 20554

\*Larry Strickling  
Deputy Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N. W., Room 500  
Washington, D. C. 20554

\*Geraldine Matise  
Chief, Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
2000 M Street, N. W., Room 230  
Washington, D. C. 20554

\*Kris Monteith  
Network Services Division  
Common Carrier Division  
Federal Communication Commission  
2000 M Street, N. W., Room 230  
Washington, D. C. 20554

\*Dave Ward  
Network Service Division  
Common Carrier Division  
Federal Communications Commission  
2000 M Street, N. W., Room 230  
Washington, D. C. 20554

\*Jeannie Grimes  
Network Services  
Common Carrier Division  
Federal Communications Commission  
2000 M Street, N. W., Room 230  
Washington, D. C. 20554

Marie Breslin  
Bell Atlantic  
1300 I Street, N. W., Suite 400 West  
Washington, D. C. 20554

Genevieve Morelli  
CompTel  
1900 M Street, N.W., Suite 800  
Washington, D. C. 20036

Richard S. Whitt  
WorldCom, Inc.  
1100 Connecticut Avenue, N. W.  
Suite 400  
Washington, D. C. 20036

Jim Smith  
Attention: Connie Bryer  
Excel Communications, Inc.  
1133 Connecticut Avenue, N. W.  
Suite 750  
Washington, D. C. 20036

\*International Transcription Service  
1231 20<sup>th</sup> Street, N. W.  
Room 235  
Washington, D. C. 20036

Jerry James  
Thrifty Call  
401 Carlson Circle  
Dallas, TX 78666

Becky Gibson  
VARTEC  
3200 West Pleasant Run Road  
Lancaster, TX 75146

**\* VIA HAND DELIVERY**